

AUG 07 2007  
HAROLD BAER  
U.S. DISTRICT JUDGE  
S. D. N.Y.

MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT  
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August 6, 2007

BY HAND

Honorable Harold Baer  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Gutierrez et al. v. The City of New York et al., 07 CV 6424 (HB)

Dear Judge Baer:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and counsel for defendant City of New York ("City") in the above referenced matter. I write to respectfully request an enlargement of time, from August 7, 2007, to October 8, 2007, within which the City may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time and is made on consent.

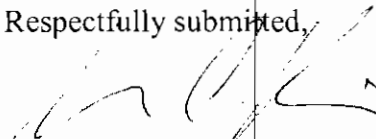
The complaint alleges, *inter alia*, that plaintiffs Marilyn Gutierrez and Alexis Hernandez were falsely arrested, maliciously prosecuted and illegally searched. Before this Office can adequately respond to the complaint, we need to conduct an investigation into plaintiff's allegations. An enlargement of time will afford us the opportunity to investigate this matter.

In addition, upon information and belief, the records of the underlying action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office will promptly forward to plaintiffs' counsel, for execution by plaintiffs, a consent and authorization for the release of sealed records so that the information can be accessed, the case can be properly assessed and a response to the complaint can be framed.

In view of the foregoing, I respectfully request that the Court extend the City's time to answer or otherwise respond to the complaint until October 8, 2007<sup>1</sup>.

Thank you for your consideration in this regard.

Respectfully submitted,

  
Suzette Corinne Rivera (SR 4272)  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: BY FAX  
Gary Fish, Esq.  
Attorney for Plaintiffs  
(212) 349-1887

*Extension of time to  
answer granted to 10/8/07*

ORDERED:

*Heusel*  
Hon. Judge, U.S.D.J.  
8/14/07

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<sup>1</sup> There is a Prc Trial Conference scheduled in this matter for September 8, 2007.